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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/231,066	01/14/1999	VILLE RUUTU	442-008422-U	3449

7590 08/22/2003
CLARENCE A GREEN
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FAIRFIELD, CT 06430

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 08/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/231,066

Applicant(s)

Ruutu et al.

Examiner

Naghmeh Mehrpour

Art Unit

2686



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Jun 10, 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: New limitations in claims 1, 7, 8 changes the scope of the claims and would require further search and consideration.

3. ☐ Applicant's reply has overcome the following rejection(s): _____
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
please see the attachment
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____
- Claim(s) objected to: _____
- Claim(s) rejected: 1-15
- Claim(s) withdrawn from consideration: _____
8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Art Unit: 2686

Response to Arguments

1. In response to the applicant's argument that "*In 96/35306 there is no suggestion or teaching of pre-determined lists for position determination.*"

The examiner asserts that each base station (A) holds information relating to itself and six nearby base stations B, C, D, E, F, G. From the six base stations four of them are being used, the four generally being those providing the strongest signal at the mobile unit M. The base station transmits the data to the mobile unit M on the its BCCH (Broadcast Control Channel). This data includes the radio frequency of each base station's BCCH, and allow mobile unit to periodically sample the signal quality of each BCCH, and allow handovers to take place based on the results of the sampling (Page 9 lines 15-20). The data that includes the radio frequency of each base station's is the predetermined list for position determination.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the international publication fails to teach a method further comprising the step of storing in a central element pre-determined list for each respective radio transmitter in the cellular

Art Unit: 2686

network. However Kingdon teaches a method comprising the step of storing in a central element pre-determined lists for each respective radio transmitter in the cellular network. Mobile position center has record of the location of all BTS's as shown on line 140 (See figure 1, col 4 lines 57-66, col 5 lines 12-25). Since 96/35306 teaches determining the location of Mobile in a cellular environment, and Kingdon teaches positioning of specific mobile within cellular environment as well, Kingdon teaching authorization of a location service to position a mobile can be combined with the publication is teaching of method of determining location of mobile, in order to provide better quality communication system due to reducing the chance of call being lost.

In response to the applicant argument that the predetermined list of Kingdon is a list of valid agencies which are authorized to position mobile device, and not a radio channel.

Examiner asserts that 96/35306 teaches determining the position of the transmission of control channel of the each base station as measured at the mobile, for identifying a pre-determined geographical location of the device. The radio link between the mobile unit M and the base station A is a TDMA, in which different mobile units communicate with the base station A on the same radio frequency (channel). The data that transmits from the base station to mobile includes the radio channel at each base station's BCCH. Each base station periodically transmits a training sequence (SCH) that is transmitted five times in each multi frame of the BCCH. This training sequence corresponding to a sequence stored in the mobile unit, which is arranged to identify correlation between the stored sequence and the BCCH transmission. Therefore, above explanation shows that 96/35306 does teach storing the pre-determined radio channels. Since

Art Unit: 2686

96/35306 does not specifically mention storing pre-determined list in a central element (page 9 lines 19-33, page 10 lines 1-10). The Examiner used Kingdon teaching solely for specifically storing a pre-determined list in mobile positioning center (col 4 lines 55-62). Therefore, the Kingdon teaching of authorization location service to position a mobile terminal can be combined with 96/35306 publication method of determining location of mobile, in order to provide better quality communication system thus reducing the chance of call being lost.

Conclusion

2. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308--6296, (for formal communications intended for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II. 2121 Crystal Drive,
Arlington. Va., sixth Floor (Receptionist).

Art Unit: 2686

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, Marsha Harold-Banks be reached (703)308-5576.

NM

W.M

Aug 20, 2003


CHARLES APPIAH
PRIMARY EXAMINER